

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18393 of 2004

Between:

Smt. M. Vijaya Lakshmi, W/o. M. Appa Rao,
Propreitor: Geetha Lodge, D.No. 48-7-36, 28th Ward,
Srinagar, Visakhapatnam.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Visakhapatnam,
Visakhapatnam.

2 The Chief Medical Officer, Visakhapatnam Municipal Corporation,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in issuing the impugned proceedings Rc.No.1597/2001/F5 dated 21.9.2004 by the 2nd respondent without issue of notice is highly illegal arbitrary and unjustified with a direction to the Respondents to revoke the licence granted to the petitioner's Lodge.

Counsel for the Petitioner : Mr.M.V.S.SAI KUMAR

Counsel for Respondents : Mr.T.S.VENKATARAMANA

The Court at the admission stage, made the following :

ORDER:

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Heard the learned counsel for petitioner and the learned Standing Counsel for Respondents, and both of them agreed for disposal of the writ petition finally at the stage of admission.

Prima facie, the impugned proceedings dated 21.9.2004 issued by the second respondent ordering closing down of Geetha Lodge is without any prior notice to the petitioner. Even as per Condition No.12 of the licence, only in the event of the lodge owner being convicted under the Suppression of Immoral Traffic Act, the said licence can summarily be cancelled, but not otherwise. As per the impugned notice itself, it is clear that a case is registered, but did not end in conviction of the petitioner. In view of the same, the impugned order can be treated as a show cause notice and to which, the petitioner is permitted to give his explanation within ten days from the date of receipt of a copy of this order. On submitting such explanation by the petitioner, the respondents shall provide an opportunity to the petitioner and pass appropriate orders thereon, in accordance with law. Till passing of such orders, the respondents shall not insist the petitioner for closure of the Lodge, in question.

The writ petition, with the above observations and directions, stands disposed of. No costs.

A.GOPAL REDDY, J

Date: 8.10.2004

NOTE:

C.C. BY MONDAY

B/O

DA

To

1 The Commissioner, Municipal Corporation of Visakhapatnam,
Visakhapatnam.

2 The Chief Medical Officer, Visakhapatnam Municipal Corporation,
Visakhapatnam.

3 Two CD copies.